

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ROBERT A. FORTE,

Plaintiff,

v.

MARK C. McQUIGGAN,

Defendant/
Third Party Plaintiff,

v.

STANLEY J. TARGOSZ, JR.,

Third Party Defendant.

Case No. 08-15206

Paul D. Borman
United States District Judge

Virginia M. Morgan
United States Magistrate Judge

ORDER AWARDING DISCOVERY SANCTIONS

On June 22, 2010, this Court entered an Opinion and Order Affirming the Magistrate Judge's February 23, 2010 Order Granting Discovery Sanctions, Granting Defendant's Motion for Discovery Sanctions and Directing Defense Counsel to Submit a Detailed Accounting of the Time Claimed. (Dkt. No. 37.) On June 29, 2010, Defendant McQuiggan's counsel submitted a detailed accounting of his claimed fees, claiming the total amount charged for fees relating to the "preparation and argument of the two motions to compel and in attempting to resolve the matter without resort to formal hearings" to be \$15,077.00. (Dkt. No. 38.)

The Magistrate Judge ordered an amount in fees that was based upon the hours spent by Defense counsel in (1) preparing and arguing the motion for sanctions (Dkt. No. 25) and (2)

preparing and arguing the underlying motion to compel (Dkt. No. 20), as well as (3) the related time attempting to resolve these matters. (Order Granting Sanctions, Dkt. No. 30, 1 n.1.) The Court has reviewed Defendant's counsel's submission and concludes that an award in the amount of \$9,940 most closely comports with the Magistrate Judge's award. The Court has deducted from Defendant's counsel's claimed fees the following amounts: \$3,049.50 (an amount that appears to the Court to relate to preparation of the first motion to compel (Dkt. No. 10), which was not an amount contemplated by the Magistrate Judge's award) and \$2,087.50 (an amount that appears to the Court to relate to time spent by counsel in responding to Plaintiff's objections to the Magistrate Judge's order granting sanctions - an amount also not contemplated by the Magistrate Judge's award).

Accordingly, the Court awards sanctions, pursuant to Federal Rule of Civil Procedure 37, against Plaintiff in the form of attorney's fees in the amount of \$9,940, payable within 30 days of the date of this Order, to counsel for Defendant McQuiggan.

IT IS SO ORDERED.

s/Paul D. Borman
PAUL D. BORMAN
UNITED STATES DISTRICT JUDGE

Dated: July 26, 2010

CERTIFICATE OF SERVICE

Copies of this Order were served on the attorneys of record by electronic means or U.S. Mail on July 26, 2010.

s/Denise Goodine

Case Manager